

EXHIBIT 13

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3
4

5 THE AUTHORS GUILD, et al.

6 Plaintiffs

Civil Action No.

7 vs.

1:2005cv08136

8 GOOGLE, INC.

9 Defendant
10 _____/

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12
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14 The Deposition of JOSEPH GOULDEN was held on
15 Friday, January 6, 2012, commencing at 12:57 p.m., at
16 the Offices of Gore Brothers Reporting &
17 Videoconferencing, 1025 Connecticut Avenue, N.W., Suite
18 1000, Farragut Square, Washington, D.C. 20036, before
19 Christine A. Gonzalez, CSR, RPR, a Notary Public.
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22
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24

25 REPORTED BY: Christine A. Gonzalez, CSR, RPR

1 BY MR. GRATZ:

2 Q. Have you been harmed by Google's program of
3 scanning books?

4 A. I have no way of knowing.

5 Q. So you don't know one way or the other?

6 A. No. Let me make an addition to that. I am
7 harmed by the fact that Google sold my material, put it
8 in digital form, and gave this to other libraries. That
9 is something that took away something I owned, without
10 my permission, and gave it away for their profit.

11 Q. How has that harmed you?

12 MR. BONI: Object to form.

13 A. One must protect copyrights. That is a rule of
14 publishing. A couple times I had occasion to go to the
15 Court and defend my own copyrights.

16 BY MR. GRATZ:

17 Q. So it's a matter of principle?

18 MR. BONI: Object to form.

19 A. It's a matter primarily of principle and,
20 secondarily, a matter of financial protection.

21 BY MR. GRATZ:

22 Q. Have you been financially harmed by Google's
23 actions?

24 A. As I said, I do not know, as of yet. But with
25 the existence of this digital library, I'm nervous about

1 it.

2 Q. Have you been financially benefited by
3 Google's action?

4 A. I don't know. Have no way of knowing.

5 Q. Have you sold additional books as a result of
6 the existence of Google books?

7 MR. BONI: Object to form.

8 A. Not that I know of.

9 BY MR. GRATZ:

10 Q. You said that you have gone to court to defend
11 your copyrights in the past?

12 A. Yes.

13 Q. What were those situations?

14 A. First was a book, my book, "The Money Lawyers."
15 Soon thereafter, an acquaintance who had reviewed that
16 book for the Washington Post told me he just read a book
17 called "The Harvard Mystique" by a man named Enrico Hank
18 Lopez, which argued, essentially, people who graduated
19 from Harvard were superior to the rest of us, and he
20 picked up -- you're a Harvard graduate?

21 Q. I am not.

22 A. He picked up large chunks of "The Superlawyers"
23 without our permission. On the advice of my agent, I
24 retained a lawyer in New York who specialized in
25 literary affairs, and we collected settlement from the

1 Korea, have you been engaged in any other copyright
2 disputes?

3 A. No.

4 MR. BONI: Want to take a -- unless you're in
5 the middle of something, take about five minutes or so.

6 THE WITNESS: Yeah.

7 (Whereupon, a recess was held.)

8 BY MR. GRATZ:

9 Q. Back on the record. We're back from a break.

10 Has anyone decided not to buy one of your books
11 because they were able to see it in snippet view on
12 Google books?

13 A. I have not the slightest idea.

14 MR. BONI: Object to form. You've answered.
15 Fine.

16 BY MR. GRATZ:

17 Q. Is reading three snippets from pages of your
18 book a substitute for buying the book?

19 MR. BONI: Object to form. You can answer.

20 A. No.

21 BY MR. GRATZ:

22 Q. Do you object to either Google or libraries,
23 without displaying any text from your book, allowing
24 people to search for words in the full text and telling
25 them what page those words appear on?

1 A. I've not raised the index question with any
2 other writers.

3 BY MR. GRATZ:

4 Q. Other than Mr. Dickson and others who were at
5 some time a named plaintiff in this case, have you
6 spoken with other writers who do object to Google's
7 scanning and snippet display?

8 A. Over the years, yes.

9 Q. About how many?

10 A. This is a guesstimate. 20, 30.

11 Q. Did they say why they objected to Google's
12 scanning program?

13 A. For the same reason I do. They -- Google is
14 stealing things that don't belong to Google for
15 commercial purposes.

16 Q. Do you think there are any authors who would be
17 harmed if the Court ordered Google to shut down the
18 snippet display feature of Google books?

19 MR. BONI: Object to the form.

20 A. Have no way of knowing.

21 BY MR. GRATZ:

22 Q. Have any of your out-of-print books come back
23 into print?

24 A. Yes.

25 Q. What books are those?

1 A. Two. One was "The Dictionary of Espionage,"
2 which I published under the name of Henry S.A. Becket,
3 B-e-c-k-e-t, in 1982. It's later than that. That is
4 being reproduced in a expanded edition this very month
5 by Dover Publications.

6 The second book was "Korea: The Untold Story
7 of the War." In December, I signed a contract with a
8 publisher in Shanghai for a Chinese language edition of
9 that book, and that's gonna be published at a date not
10 yet established.

11 Q. Any others?

12 A. None that come to mind immediately.

13 Q. Other than -- am I right you testified earlier
14 that you understood "The Superlawyers" and "Korea" to
15 have been scanned by Google?

16 A. My understanding is they have.

17 Q. Do you know whether any of your other books
18 have been scanned by Google?

19 A. I've not checked to find out, so I don't know.

20 Q. What were the circumstances -- what caused "The
21 Dictionary of Espionage" to come back into print?

22 MR. BONI: Object to form.

23 A. Dover was looking for books in the Washington
24 area, and one of their acquisition editors visited the
25 International Spy Museum. He asked the director Peter

1 co-author "The News Manipulators" contributed within the
2 scope of your employment at Accuracy in Media?

3 A. Yes, it was.

4 Q. Are all of your books nonfiction?

5 A. Yes.

6 Q. What is the purpose for which you wrote your
7 books?

8 MR. BONI: Object to form.

9 A. To make a living and to satisfy my long-time
10 desire to be a writer.

11 BY MR. GRATZ:

12 Q. Are your books works of journalism?

13 MR. BONI: Object to form.

14 A. No.

15 BY MR. GRATZ:

16 Q. You have written works of journalism; is that
17 right?

18 A. I was a newspaperman for ten years.

19 Q. What is the difference between your books and
20 what you consider journalism?

21 A. Journalism seems to be sort of -- it's not
22 the in-depth research that you would do for a book.
23 There's a difference between what I write and what is
24 called journalism.

25 Q. Because the depth of research, for example,

1 yet reverted to you?

2 A. Again, this is another publisher out of
3 business who sent me a crate of books, and there may
4 have been a letter saying "It's Yours."

5 Q. Did you retain that letter?

6 A. No.

7 Q. Did you keep it?

8 Do you have a recollection of there being such
9 a letter or was your previous answer based on sort of
10 thinking there might have been such a letter?

11 A. There might have been.

12 Q. But you don't recall one way or another whether
13 there was?

14 A. No.

15 Q. All of your books are out of print; is that
16 right?

17 A. With two exceptions we noted earlier.

18 Q. And those two exceptions are "The Dictionary of
19 Espionage" being reprinted by Dover and the Chinese
20 version of "Korea"?

21 A. Correct.

22 Q. Have you had any e-mail correspondence
23 regarding this litigation with anyone other than your
24 lawyers?

25 A. I notified Paul Dickson last week that this

1 deposition had been scheduled, as a matter of
2 information for him.

3 Q. Other than your e-mail last week with Paul
4 Dickson regarding this deposition, have you had any
5 other e-mail correspondence regarding this litigation
6 with anyone other than your lawyers?

7 A. I had correspondence with Brandt & Hochman,
8 e-mail. E-mail correspondence.

9 Q. What was the subject of that correspondence?

10 A. Passing on your request for documents and
11 asking what they had.

12 Q. Anything else?

13 A. That's all I recall.

14 Q. Do you use the Google search engine?

15 A. Beg your pardon?

16 Q. Do you use the Google search engine at
17 Google.com?

18 A. Yes, I use that.

19 Q. What do you use it for?

20 A. Oh, mainly to look up references to people I'm
21 maybe writing about or dates on something.

22 Q. Do you find it useful?

23 A. Yeah, very useful.

24 Q. When you type in a search in the Google search
25 engine, a set of search results come up; is that right?